REMARKS

This application has been carefully reviewed in light of the Office Action dated November 19, 2008. Applicant has amended claims 1 and 14. Reconsideration and favorable action in this case are respectfully requested.

The Examiner has rejected claims 1-11 and 14-21 under 35 U.S.C. §102(b) as being unpatentable over EP 0843249 to Helmut. Applicants have reviewed this reference in detail and do not believe that it discloses or makes obvious the invention as claimed.

As previously stated, the present invention protects an electronic file, such as firmware, application software or data, from being replaced or modified by someone other than the manufacturer. This prevents alteration of the operation of the computing device by third party modifications (i.e., viruses) or by user changes to the device's intended settings.

In the present invention, the electronic file is stored in an externally accessible memory while an identifier associated with the computing device is stored in an externally inaccessible memory. If the processor determines that there is not a valid association between the electronic file and the unique identifier, the electronic file cannot be accessed.

The Examiner states that the Helmut reference teaches an association between a program and a COS (class of service) for the program. If the COS does not match the capability of the CU (cryptographic unit), the application cannot be executed by the CU.

In the response to the Office Action of 10/22/07, the Applicants noted that an application program in Helmut could be executed on any computer with a CU supporting the specified COS. In response, in the Office Action of 4/11/2008, the Examiner noted that the "identifier" cited in the previous set of claims was not restricted to unique identifiers. Accordingly, Applicants revised the claims to note that the identifier is a unique identifier linked to the computing device.

In the most recent Office Action, the Examiners position is that the COS is a unique identifier, even though it is clear that various devices in Helmut would share the same COS.

Applicant has amended the claims to specify that the identifier associated with the computing device is stored in a memory that is externally inaccessible, while the electronic file is in file that is externally accessible.

Thus, a file in the externally accessible memory can be used securely, because it is uniquely associated to the identifier. Since the identifier cannot be externally accessed, the digital certificate cannot be changed to make an association between a modified electronic file and the identifier.

This provides advantages that would not be possible with Helmut. For example, a file may store operating parameters, such as operating speed, for the computing device. This file would not need to be encrypted or otherwise protected from viewing. However, if a user tried to change the parameters, the processing system would no longer access the electronic file.

Helmut deals only with application files which are executable only on computers with a supporting COS level. There is nothing in Helmut to suggest that the COS level supported by a CU is not externally accessible – there is no reason in Helmut that the COS level would not be available to any user of the device. The COS level is not used in Helmut to prevent programs from being accessed; rather, it is used to prevent programs from being executed if the computer cannot support the program.

Accordingly, Applicants believe that the Helmut reference does not teach the present invention. Therefore, Applicants respectfully request allowance of claims 1-11 and 14-21.

An extension of one month is requested and a Request for Extension of Time under § 1.136 with the appropriate fee is attached hereto.

The Commissioner is hereby authorized to charge any fees or credit any overpayment, including extension fees, to Deposit Account No. 20-0668 of Texas Instruments Incorporated.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Alan W. Lintel, Applicants' Attorney at (972) 664-9595 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

/Alan W. Lintel/

Alan W. Lintel
Attorney for Applicant(s)
Reg. No. 32478

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Anderson, Levine & Lintel
14785 Preston Rd.
Suite 650
Dallas, Texas 75254
Tel. (972) 664-9595